

INSTRUCTIONS FOR FILING AN ANNEXATION APPLICATION

INSTRUCTIONS

Please prepare the maps, forms, and required information below and return, by appointment, to the Department of Planning, Building and Code Enforcement, Rm 400. Applications will only be accepted for processing if they are complete.

IMPORTANT NOTES:

It is very important that any applicant proposing to file an annexation application **CONTACT the Department of Planning, Building and Code Enforcement Annexation staff PRIOR to filing an application.** The staff must determine the necessity for the inclusion of any "residual" parcels in the application. The provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 - Section 56757(c) and the policies of the Local Agency Formation Commission (LAFCO) require the annexation of residual parcels when the proposed annexation would create an "island" of unincorporated territory.

1. **Completed Application Forms.** A separate application must be filed for each site, which may comprise one or more contiguous parcels. The application must be signed by all owners of the parcels included in the site or by a person having the lawful power of attorney or by a qualified tenant. The applicant may designate an agent who has full authority to act on behalf of the applicant, except that the agent may not sign the application, acceptance or withdrawal. Original signatures are required.

All applications must include the following for the area to be annexed: a legal description (**metes and bounds**), and an annexation map identifying the area proposed for reorganization/annexation, a listing of all addresses within the site and an estimate of the population. This map must meet the requirements of the Santa Clara County Surveyor. A **SAMPLE MAP** of this map is attached to this application.

If you have not prepared an annexation map before, you may wish to contact the County Surveyor's Office at (408) 299-2871 for further information. The County Surveyor's recommends that a licensed Land Surveyor or a registered Civil Engineer prepare the annexation maps and legal description. Please note that the State Board of Equalization has revised the requirements for the preparation of maps and legal descriptions for annexations effective July 1, 1995. You may wish to contact the County Surveyor's Office for further information concerning the new requirements.

2. **County Assessor's Parcel Map.** Provide a copy of the Assessor's Parcel Map (APN) showing the subject property. This map can be obtained from the County Assessor's Office at 70 West Hedding Street, 5th Floor, San Jose, CA or from the Planning Division, City Hall, Room 400.
3. **Prezoning.** Prezoning is a prerequisite for annexation of property to the City of San José. Typically, the applicant will file the prezoning application prior to, or concurrent with, the annexation application. Property zoned agricultural in the county may be annexed with an Automatic A-Agricultural zoning. If you believe this provision is applicable to your property, please indicate on your application.
4. **Environmental Review.** An Environmental Clearance Application must be filed with the annexation application, unless the annexation has been included in the environmental review for the prezoning of the subject site.

In some instances, an annexation may be exempt from environmental review. Please contact the annexation staff for clarification.

- 5a. **Application Fees.** An application fee and the **County Surveyor's fee** for certifying the Annexation map and legal description should be submitted at the time of filing (see fee schedule).
- 5b. **Public Noticing Fee.** A Public Noticing Fee cannot be estimated until the consent status of the Annexation is determined. The Project Manager determines the consent status of the Annexation after filing of this application.

Note: *Public Noticing Fees may vary depending on the consent status of the Annexation. All fees identified by the Project Manager shall be due 25 days prior to the Initiation Hearing and/or Public Hearing Date.*

'Not 100%' Consent Annexations (annexation that does not have consent from all landowners in affected area):

Public Noticing and Newspaper fees are required prior to initiation of the Annexation. In addition to the above, a second Newspaper Noticing Fee is required prior to the Protest Public Hearing.

For **'100%' Consent Annexations** (annexations that have consent from all landowners in affected area):

Public Noticing Fees are not required. However, if a protest is received prior to or before the close of the Public Hearing, a Newspaper Noticing fee is required prior to the Hearing for the Protest.

PROCESSING SCHEDULE (without LAFCO Public Hearing)

Planning Staff:

- Verifies that a Rezoning application for the site is on file.
- Checks the application for completeness.
- Logs in application, assigns a File Name and collects application fees.
- Reviews application with other City departments and obtains any pertinent data.
- Makes a field inspection.
- Sends a copy of the map and legal description to the County Surveyor for certification.
- Prepares a recommendation to the City Council.

City Council:

- Initiates annexation and sets a hearing date.
- Approves or denies the application after the effective date of the rezoning ordinance.
- If owner(s) of 50% or more of the total assessed value of land within the territory oppose the annexation in writing, then the proceedings are terminated.

LAFCO Staff:

- If approved, prepares Certification of completion and records reorganization with County Recorder. Transmits certificate to City Clerk. Effective date is date of recordation.

Planning Staff:

- Stamps official annexation date (recorded date) on maps and prepares new annexation memo for Director's signature.

PROCESSING SCHEDULE (with LAFCO Public Hearing)

Note: This procedure is only required if Annexation is proposed outside the Urban Service Area (USA).

Planning Staff:

- Verifies that a Rezoning application for the site is on file.
- Checks the application for completeness.
- Logs in application, assigns File Name and collects application fees.
- Reviews application with other City departments and obtains any pertinent data.
- Makes a field inspection.
- Sends a copy of the map and legal description to the County Surveyor for certification.
- Prepares a recommendation to the City Council.

City Council:

- Makes application to LAFCO

LAFCO Staff:

- Reviews annexation request and prepares recommendation to LAFCO.

LAFCO:

- Approves, conditionally approves or denies annexation.

City Council:

- Adopts resolution of annexation if LAFCO approves.

LAFCO Staff:

- If approved, prepares Certification of completion and records reorganization with County Recorder. Transmits certificate to City Clerk. Effective date is date of recordation.

Planning Staff:

- Stamps official annexation date (recorded date) on maps and prepares new annexation memo for Director's signature.

ANNEXATION APPLICATION

TO BE COMPLETED BY A PLANNING STAFF

ANNEXATION NAME	COUNCIL DISTRICT	RECEIPT # _____
PROJECT LOCATION		AMOUNT _____
PROPOSED ZONING		DATE _____
		BY _____

TO BE COMPLETED BY THE APPLICANT (PLEASE PRINT OR TYPE)

This proposal is made pursuant to the Cortese-Knox Local Government Reorganization Act of 1985

PROPERTY LOCATION	PREZONING FILE NUMBER/ ORDINANCE NUMBER
COUNTY ZONING/ CITY GENERAL PLAN DESIGNATION	
ASSESSOR'S PARCEL NUMBER(S) (APN)	ACREAGE
EXISTING AND PROPOSED USE OF PROPERTY <i>(Please attach additional pages, if necessary)</i>	
APN _____ - _____ - _____	EXISTING USE _____ PROPOSED USE _____
APN _____ - _____ - _____	EXISTING USE _____ PROPOSED USE _____
WILLIAMSON ACT STATUS <i>(Active, under Non-Renewal)</i>	
APN _____ - _____ - _____	CONTRACT NO. _____ STATUS _____
APN _____ - _____ - _____	CONTRACT NO. _____ STATUS _____
PLEASE IDENTIFY ELEMENTARY, SECONDARY, OR UNIFIED SCHOOL DISTRICTS: _____	

THE FOLLOWING EXHIBITS ARE ATTACHED HERETO AND MADE A PART THEREOF BY REFERENCE.

- ☐ Legal Description (Metes and Bounds) of Annexation site - EXHIBIT A
- ☐ Map of the area proposed for reorganization/annexation meeting the requirements of the County of Santa Clara Surveyor - EXHIBIT B *(Sample map attached)*

THE NATURE OF THIS PROPOSAL IS ANNEXATION TO THE CITY OF SAN JOSE AND DETACHMENT FROM _____ AND _____
City/County Special District(s)

THE SUBJECT TERRITORY WHICH IS PROPOSED TO REORGANIZED IS:

- ☐ UNHABITED (11 or fewer registered voters) ☐ INHABITED (12 or more registered voters)

THE REASON(S) FOR THIS ANNEXATION ARE AS FOLLOWS: *(e.g. connection to City of San Jose Municipal services, development of 12 single family detached residential units)*

IF THE ANNEXATION WILL INVOLVE RESIDUAL PROPERTIES, PLEASE PROVIDE THE FOLLOWING INFORMATION:
(Please attach additional pages, if necessary)

Assessed Value (LAND ONLY according to last equalized tax roll) for each APN included in the annexation site.

APN _____ - _____ - _____ \$ _____

THE SUBJECT TERRITORY IS LOCATED WITHIN THE CITY'S URBAN SERVICE AREA:

- ☐ YES ☐ NO

PLEASE CALL THE APPOINTMENT DESK AT (408) 277-8820 FOR AN APPLICATION APPOINTMENT.

There are three sections for signatures. **Section 1** must be signed by the petitioners, please identify if the proposal is 100% consent. If the proposal is not 100% consent, then the information must be provided for **Section 2**. If the annexation is inhabited, then **Section 3** must be completed.

SECTION 1

PETITIONERS

THE UNDERSIGN PROPONENT(S) OWN 100% OF THE SUBJECT TERRITORY PROPOSED FOR ANNEXATION **IF RESIDUAL PARCELS ARE INCLUDED, SECTION 2 MUST BE FILLED OUT.**

NAME OF PROPERTY OWNER (Please Print or Type)	APN
SIGNATURE OF PROPERTY OWNER	DATE
NAME OF PROPERTY OWNER (Please Print or Type)	APN
SIGNATURE OF PROPERTY OWNER	DATE
NAME OF PROPERTY OWNER (Please Print or Type)	APN
SIGNATURE OF PROPERTY OWNER	DATE
NAME OF PROPERTY OWNER (Please Print or Type)	APN
SIGNATURE OF PROPERTY OWNER	DATE

SECTION 2 (NOT 100% CONSENT)

NAME OF PROPERTY OWNER	APN
MAILING ADDRESS OF PROPERTY OWNER	CITY STATE ZIP CODE
NAME OF PROPERTY OWNER	APN
MAILING ADDRESS OF PROPERTY OWNER	CITY STATE ZIP CODE
NAME OF PROPERTY OWNER	APN
MAILING ADDRESS OF PROPERTY OWNER	CITY STATE ZIP CODE
NAME OF PROPERTY OWNER	APN
MAILING ADDRESS OF PROPERTY OWNER	CITY STATE ZIP CODE

If necessary, the information may be supplied on separate sheets (NOTE: signatures are not required for public property, public rights-of-way, easements, or waterways)

SECTION 3			
IF THE SUBJECT TERRITORY IS INHABITED (12 OR MORE REGISTERED VOTERS), PLEASE INDICATE BELOW THE NAME AND ADDRESS FOR ALL REGISTERED VOTERS.			
PROPERTY OWNER	APN	DATE	
ADDRESS	CITY	STATE	ZIP CODE
PROPERTY OWNER	APN	DATE	
ADDRESS	CITY	STATE	ZIP CODE
PROPERTY OWNER	APN	DATE	
ADDRESS	CITY	STATE	ZIP CODE
PROPERTY OWNER	APN	DATE	
ADDRESS	CITY	STATE	ZIP CODE
CONTACT PERSON			
NAME (Please Print or Type)			
DAYTIME TELEPHONE # ()	FAX NUMBER ()	E-MAIL ADDRESS	



EXHIBIT B

PROPOSED ANNEXATION
TO _____
ENTITLED _____

DATE	SCALE
9Y	

MAP REQUIREMENTS

- 7 SHOW POINT OF BEGINNING OF DESCRIPTION
- 8 WHEN PROPOSING TO SPLIT LINES OF ASSESSMENT, INDICATE BOUNDARIES OF ORIGINAL PARCEL
- 9 SHOW ALL BEARINGS, DISTANCES, LOT NUMBERS, AND REFERENCES USED IN THE DESCRIPTION
- 10 SHOW ASSESSOR'S PARCEL NUMBERS
- 11 SHOW AREA OF ANNEXATION IN ACRES
- 12 SHOW ALL ROADS AND WIDTH OF ROADS

1. OVERALL MAP SIZE
MIN. - 8.5" X 11"
MAX. - 11" X 17"
2. USE AND SHOW ADEQUATE MARGINS
3. TITLE BLOCK (REQUIREMENTS AS SHOWN)
4. LEGEND AND NORTH ARROW
5. LOCATION MAP
6. SHOW EXISTING CITY LIMITS, ANNEXATION
NAME AND GROWTH NUMBER.